



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** September 13, 2021

**TO:** Christine Daniel, City Manager

**FROM:** Jeff Jennings, Chief of Police

**SUBJECT:** Resolution Of The City Council Of The City Of Emeryville  
Authorizing The Chief Of Police To Issue An Annual Cabaret  
License To The Public Market AG-CCRP L.P.

### **RECOMMENDATION**

Staff recommends the City Council adopt the above-entitled resolution approving the Public Market AG-CCRP L.P. application for an Annual Cabaret License and authorizing the Chief of Police to issue said license for calendar year 2021.

### **BACKGROUND**

The Public Market is seeking an Annual Cabaret License to present live music entertainment at the Public Market AG-CCRP L.P., 5959 Shellmound Street Ste 210 during the hours of Monday through Sunday 10:00 a.m. to 12:00 a.m.

The Police Department has investigated the Public Market AG-CCRP L.P. application and is recommending approval of the Annual Cabaret License with the listed Conditions of Approval included as part of the license.

### **DISCUSSION**

Emeryville Municipal Code Section 5-4.03 provides that a license is required to operate a cabaret in the City of Emeryville. An application is submitted to the Police Department, which conducts a background investigation of the applicant and the proposed cabaret operation (EMC Sections 5-4.04, 5-4.06). At the conclusion of the investigation, the Chief of Police submits a report and recommendation on whether the requested license should be granted, and whether any conditions should be imposed (EMC 5-4.06).

Thereafter, the City Council is required to conduct a public hearing to consider issuance of license and may impose conditions on the cabaret operation (EMC 5-4.07). The Annual Cabaret License expires on December 31 of each year, and an applicant is then required to apply for a new annual license. The Police Department does not have any existing concerns regarding this annual cabaret license. The Public Market did not apply for a cabaret permit last year (2020), likely due to the pandemic and the police department has not received any complaints associated with their events.

Staff recommends approval of this license application with the following conditions:

## **CONDITIONS OF APPROVAL**

- The Annual Cabaret License would be valid through to December 31, 2021. Any Annual Cabaret License sought for subsequent years would require another application and an approval by the Emeryville City Council.
- The Annual Cabaret License if approved permits music to be played inside the common dining area located inside the Public Market.
- All exterior doors and windows will be closed for the designated date and times of each cabaret event.
- Upon receipt of noise complaints during any cabaret event at the Public Market, the Public Market will immediately discontinue all music.
- Hours of operation for this Annual Cabaret License would be restricted to Monday through Sunday, 10:00 a.m. - 12:00 a.m.
- The AG-CCRP Public Market L.P. shall be required to designate a contact person for all complaints from the public and to interface with the Emeryville Police Department. This contact person shall be made known to the Emeryville Police Department and all complaining parties upon request. The contact person shall be immediately available for all concerns or complaints.
- Any violations of these conditions or any listed in Emeryville Municipal Code 5-4.24 by AG-CCRP Public Market L.P. owners, managers, or employees may result in suspension or revocation of this Annual Cabaret License, pursuant to Emeryville Municipal Code Sections 5-4.08, 5-4.09.

The Emeryville Municipal Code Section 5-4.03 requires City Council approval of every operation of a Cabaret within the City Limits.

## **FISCAL IMPACT**

None

## **STAFF COMMUNICATION WITH THE PUBLIC**

None

## **CONFLICT OF INTEREST**

None

## **CONCLUSION**

Staff recommends the City Council conduct a public hearing on this application and thereafter approve the application for Annual Cabaret License for the Public Market AG-CCRP, L.P. with the conditions specified above.

**PREPARED BY:** Oliver Collins, Captain  
Jeff Jennings, Chief of Police

**APPROVED AND FORWARDED TO THE  
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



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Christine Daniel, City Manager

**ATTACHMENTS**

1. Application
2. Draft Resolution
3. Conditions of Approval